

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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Geoffrey S. Swindle

LIFESCAN INC., and JOHNSON & JOHNSON  
HEALTH CARE SYSTEMS, INC.,

Plaintiffs,

vs.

JEFFREY C. SMITH, GEOFFREY S. SWINDLE,  
STEVEN L. HADLOCK, SAHILY PAOLINE,  
DAVID GRANT, JUSTIN LEAVITT, BLAINE  
SMITH, ALISON WISTNER, ADAM  
KOOPERSMITH & ZB, N.A.,

Defendants.

Civil Action No. 2:17-CV-05552-CCC-  
CLW

**NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT PURSUANT TO FED.  
R. CIV. P. 12(B)(2), FED. R. CIV. P.  
12(B)(3), AND FED. R. CIV. P.  
12(B)(6)**

PLEASE TAKE NOTICE that on March 5, 2018, or as soon thereafter as counsel may be heard, Buchanan, Ingersoll & Rooney, P.C., attorneys for Defendant Geoffrey S. Swindle, shall move before the Honorable Claire C. Cecchi, U.S.D.J., United States District Court, at the Martin Luther King, Jr., Federal Courthouse, Newark, New Jersey, for the entry of an Order Dismissing Plaintiffs' First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(3) and 12(b)(6) and for other such relief the Court deems necessary and appropriate under circumstances.

PLEASE TAKE FURTHER NOTICE that Defendant shall rely upon the Memorandum of Law in Support of Defendant's Motion to Dismiss the First Amended Complaint pursuant to

Fed. R. Civ. P. 12(b)(2), 12(b)(3) and 12(b)(6), and any reply submissions filed hereafter. A Proposed Form of Order also accompanies this Motion.

s/Mary Sue Henifin

Mary Sue Henifin

Dated: February 9, 2018